



DA

Practitioner's Docket No. 1062/C30

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Number: 6,364,857
Date Of Issue: April 2, 2002
Name of Patentee: Larry B. Gray
Title of Invention: Cassette for Intravenous-Line Flow-Control System

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Attn: Brian Casler, Supervisory Patent Examiner for Art Unit 3763

RECEIVED

AUG 20 2003

OFFICE OF PETITIONS

PETITION FOR CORRECTION OF INVENTORSHIP OF PATENT
(37 C.F.R. § 1.324)

1. This is a petition for correction of error in a nonjoinder of inventors in the above issued patent. It is respectfully requested that the PTO issue a certificate correcting the error.
2. Enclosed herewith is (37 C.F.R. § 1.324(b)):
 - A. A statement from each person who is being added as an inventor that the inventorship error occurred without any deceptive intention on his or her part.
 - B. A statement from the current named inventors who have not submitted a statement under A above agreeing to the change in inventorship.
3. Also enclosed is the written consent of the assignee.

A statement under 37 C.F.R. § 3.73(b), establishing the right of the assignee to take action, is also enclosed.
4. The fee required (37 C.F.R. § 1.20(b)) is paid as follows:

Attached is a check in the amount of \$130.00.

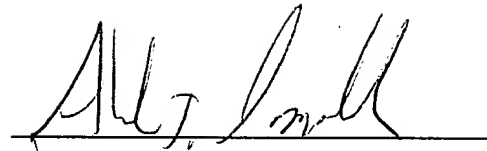
A duplicate of this paper is attached.

08/19/2003 HVUONG1 00000121 6364857

01 FC:1460

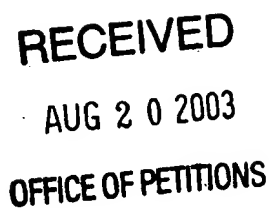
130.00 OP

Date: August 14, 2003



Alexander J. Smolenski
Registration No. 42,031
Bromberg & Sunstein LLP
125 Summer Street
Boston, MA 02110-1618
US
617-443-9292
Customer No. 02101

01062/00C30 265585.1



BROMBERG & SUNSTEIN LLP

125 SUMMER STREET
BOSTON, MA 02110

CENTURY BANK & TRUST COMPANY
BOSTON, MASSACHUSETTS

50139

53-139/113

8/14/2003

PAY TO THE ORDER OF

Director of the USPTO

One Hundred Thirty and 00/100 *****

\$ **130.00

DOLLARS

INTERNAL ACCOUNT

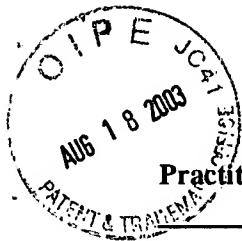
[Signature]

AUTHORIZED SIGNATURE

MEMO

1062/C30

Security features. Details on back.



Practitioner's Docket No. 1062/C30

PATENT

COMBINED DECLARATION AND POWER OF ATTORNEY

**(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,
CONTINUATION, OR C-I-P)**

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is for a continuation application.

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OFFICE OF PETITIONS

INVENTORSHIP IDENTIFICATION

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am an original, first and joint inventor of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

TITLE OF INVENTION

Cassette for Intravenous-Line Flow-Control System

SPECIFICATION IDENTIFICATION

The specification was filed on November 17, 2000, as Serial No. 09/715,379 and was amended on July 17, 2001.

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, Section 1.56.

**CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)
UNDER 35 U.S.C. SECTION 120**

I hereby claim the benefit, under Title 35, United States Code, Section 120, of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed

below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose information that occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. SECTION 120:				
U.S. APPLICATIONS		Status		
U.S. APPLICATIONS	U.S. FILING DATE	Patented	Pending	Abandoned
1. 08/917,537	22 AUG 97	X		
2. 08/478,065	07 JUN 95	X		
PCT APPLICATION DESIGNATING THE U.S.				
PCT APPLICATION NO.	PCT FILING DATE	U.S. APPLICATION NOS. ASSIGNED (IF ANY)		

POWER OF ATTORNEY

I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

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AUG 20 2003

OFFICE OF PETITIONS

APPOINTED PRACTITIONER(S)	REGISTRATION NUMBER(S)
Herbert A. Newborn	42,031
Bruce D. Sunstein	27,234
Robert M. Asher	30,445
Timothy M. Murphy	33,198
Steven G. Saunders	36,265
Karen A. Buchanan	37,790
Samuel J. Petuchowski	37,910
Jeffrey T. Klayman	39,250
John J. Stickevers	39,387
Elizabeth P. Morano	42,904
Jean M. Tibbetts	43,193
Jay Sandvos	43,900
Keith J. Wood	45,235
Alexander J. Smolenski, Jr.	47,953
John L. Conway	48,241

I hereby appoint the practitioner(s) associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

SEND CORRESPONDENCE TO

DIRECT TELEPHONE CALLS TO:

Alexander J. Smolenski
125 Summer Street
Boston, MA 02110-1618
US

Alexander J. Smolenski
617-443-9292

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AUG 20 2003

Customer Number 02101

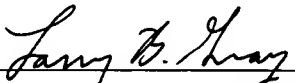
OFFICE OF PETITIONS

Since this filing is a continuation there is attached hereto a Change of Correspondence Address so that there will be no question as to where the PTO should direct all correspondence.

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

Larry B. Gray
Inventor's signature 
Date 5/2/02 Country of Citizenship US
Residence Merrimack, NH
Post Office Address 19 Iris Drive, Merrimack, NH 03054

Philip Houle
Inventor's signature _____
Date _____ Country of Citizenship US
Residence Palo Alto, CA
Post Office Address 525 Homer Avenue, Apt, 8, Palo Alto, CA 94301

SEND CORRESPONDENCE TO

DIRECT TELEPHONE CALLS TO:

Alexander J. Smolenski
125 Summer Street
Boston, MA 02110-1618
US

Alexander J. Smolenski
617-443-9292

Customer Number 02101

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DECLARATION

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SIGNATURE(S)

Larry B. Gray

Inventor's signature

Date 5/22/02

Residence Merrimack, NH

Post Office Address 19 Iris Drive, Merrimack, NH 03054

Larry B. Gray

Country of Citizenship US

Philip Houle

Inventor's signature

Date 5/22/02

Residence ~~Palo Alto, CA~~ Menlo Park, CA

Post Office Address ~~525 Homer Avenue, Apt. 8, Palo Alto, CA 94301~~ PRH 5/22/02

212 Lexington Dr., Menlo Park, CA 94025

Phil Houle

Country of Citizenship US

William T. Larkins

Inventor's signature

Date

5/8/2002

Country of Citizenship US

Residence Manchester, NH

Post Office Address 245 Carnegie Street, Manchester, NH 03104

Richard Lanigan

Inventor's signature

Date

5/2/02

Country of Citizenship US

Residence Concord, NH

Post Office Address 6 Angela Way, Concord, NH 03301-2200

William T. Larkins

Inventor's signature _____


Date _____

Country of Citizenship US

Residence Manchester, NH

Post Office Address 245 Carnegie Street, Manchester, NH 03104

Richard Lanigan

Inventor's signature  _____

Date 5/2/02 _____

Country of Citizenship US

Residence Concord, NH

Post Office Address 6 Angela Way, Concord, NH 03301-2200



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.: 6,364,857

Issue Date: April 2, 2002

Applicant: Gray et al.

Art Unit: 3763

Atty. Docket: 1062/C30

Invention: Cassette for Intravenous-Line Flow-Control System

Commissioner for Patents
Washington, D.C. 20231

STATEMENT OF PERSON BEING ADDED AS AN INVENTOR

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Dear Sir:


AUG 20 2003

I hereby declare as follows:

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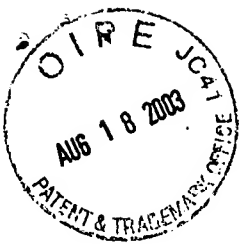
1. I, Richard Lanigan, am an inventor of the above-referenced invention, an application for which was filed on November 17, 2000.
2. I was not aware that I was inadvertently omitted as an inventor on the patent application. I did not inform the attorney of record of my contribution to the invention.
3. I did not know that I was not named as an inventor for this invention until I was informed by the Assignee of the omission of my name.
4. It was not until this time that I became aware of this error in inventorship.
5. I believe that the failure to list me as an inventor when the application was filed was an error without any deceptive intention.

6. I hereby declare that all statements made herein of my knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Codes, and that such willful statements may jeopardize the validity of the patent.


Richard Lanigan

5/2/02
Date

01062/00C30 198610.1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.: 6,364,857 Date Issued: April 2, 2002
Applicant: Gray et al. Art Unit: 3763
Atty. Docket: 1062/C30
Invention: CASSETTE FOR INTRAVENOUS-LINE FLOW-CONTROL SYSTEM

Commissioner for Patents
Washington, D.C. 20231

**STATEMENT OF FACTS VERIFIED BY THE ORIGINALLY NAMED INVENTORS
IN SUPPORT OF PETITION FOR CORRECTION OF INVENTORSHIP OF PATENT**
(37 C.F.R. 1.324)

Dear Sir:

We hereby declare as follows:

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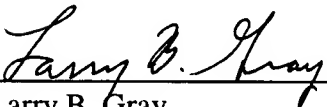
1. We, Larry B. Gray, Philip Houle and William T. Larkins, are the originally named inventors in the above-indicated patent (the "Patent"), which shows as assignee, on its face, DEKA Products Limited Partnership.

2. Richard Lanigan was inadvertently omitted as an inventor for the parent application, serial number 08/917,537, which was filed on August 22, 1997. The patent issued on December 26, 2000 as patent no. 6,165,154. A petition to correct inventorship in the parent case accompanied by the necessary documentation was prepared and filed on April 3, 2002.

3. When the subject application was prepared and filed, due to an innocent oversight, the attorney of record was not informed that Richard Lanigan was also an inventor.

4. The inadvertent failure to list Richard Lanigan as an inventor when the application was filed was an error without any deceptive intention. Richard Lanigan should have been listed as an inventor in the application transmittals.

5. We hereby declare that all statements made herein of our knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Codes, and that such willful statements may jeopardize the validity of the patent.



Larry B. Gray

5/2/02

Date

Philip Houle

Date

William T. Larkins

Date

4. The inadvertent failure to list Richard Lanigan as an inventor when the application was filed was an error without any deceptive intention. Richard Lanigan should have been listed as an inventor in the application transmittals.

5. We hereby declare that all statements made herein of our knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Codes, and that such willful statements may jeopardize the validity of the patent.

Larry B. Gray
Larry B. Gray

5/2/02
Date

Philip Houle

Date

William T. Larkins
William T. Larkins

5/8/2002
Date

4. The inadvertent failure to list Richard Lanigan as an inventor when the application was filed was an error without any deceptive intention. Richard Lanigan should have been listed as an inventor in the application transmittals.

5. We hereby declare that all statements made herein of our knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Codes, and that such willful statements may jeopardize the validity of the patent.

Larry B. Gray
Larry B. Gray

5/2/02
Date

Phil Houle
Philip Houle

5/22/02
Date

William T. Larkins

Date



Practitioner's Docket No. 1062/C30

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.: 6,364,857

Issue Date: April 2, 2002

Name of Patentee: Gray et al.

Title of Invention: Cassette for Intravenous-Line Flow-Control System

Commissioner for Patents
Washington, D.C. 20231

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OFFICE OF PETITIONS

CONSENT OF ASSIGNEE TO CHANGE OF INVENTORSHIP IN A PATENT
(37 C.F.R. § 1.324(b)(3))

DEKA Products Limited Partnership, 340 Commercial Street, Manchester, New Hampshire 03101-1103, owner by assignment of the above application, in the assignment recorded in the USPTO on April 16, 2001, Reel 011720, Frame 0915, hereby consents to the amendment of the inventorship of this patent as requested in the accompanying papers.

Dean L. Kamen, President
DEKA Products Limited Partnership

Dated: 5-2-02



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AUG 20 2003

OFFICE OF PETITIONS
PATENT

Practitioner's Docket No. 1062/C30

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Gray et al.

Application No.: 09 / 715,379

Group No.:

Filed: November 17, 2000

For: Cassette for Intravenous-Line
Flow-Control System

Examiner:

Issue Date: April 2, 2002

Patent*: 6,364,857

Issue Date: _____

Reexamination No.:

Issue Date: _____

Reissue:

*NOTE: Insert name(s) of inventor(s) and title for patent.

Commissioner for Patents

Washington, D.C. 20231

STATEMENT UNDER 37 C.F.R. § 3.73(b)—
ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTIONCERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*
(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner
for Patents, Washington, D.C. 20231

37 C.F.R. § 1.8(a)

☒ with sufficient postage as first class mail.

37 C.F.R. § 1.10*

☐ as "Express Mail Post Office to Addressee"
Mailing Label No. _____ (mandatory)

TRANSMISSION

☐ transmitted by facsimile to the Patent and Trademark Office.

Signature

Date: August 14, 2003

Alexander J. Smolenski, Jr.

(type or print name of person certifying)

***WARNING:** Each paper or fee filed by Express Mail must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. § 1.10(b).*"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.*

NOTE: 37 CFR 3.73(b) states: "When an assignee seeks to take action in a matter before the Office with respect to a patent application, . . . , patent, registration, or reexamination proceeding, the assignee must establish its ownership of the property to the satisfaction of the Commissioner. Ownership is established by submitting to the Office, in the Office file related to the matter in which action is sought to be taken, documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment submitted for recording) or by specifying (e.g., reel and frame number) where such evidence is recorded in the Office. The submission establishing ownership must be signed by a party authorized to act on behalf of the assignee. Documents submitted to establish ownership may be required to be recorded as a condition to permitting the assignee to take action in a matter pending before the Office."

NOTE: "Section 3.73(b) is amended to remove the sentence requiring an assignee to specifically state that the evidentiary documents have been reviewed and to certify that title is in the assignee seeking to take action. The sentence is deemed to be unnecessary in view of the amendment to §§ 1.4(d) and 10.18." Notice of Oct. 10, 1997, 62 Fed. Reg. 53,131, at 53,174.

1. The assignee(s) of the entire right, title and interest hereby seek(s) to take action in the PTO in this matter.

IDENTIFICATION OF ASSIGNEE

2. DEKA Products Limited Partnership
Name of assignee
Limited Partnership
Type of assignee, e.g., corporation, partnership, university, government agency, etc.

PERSON AUTHORIZED TO SIGN

3. Dean L. Kamen
(type name of person authorized to sign on behalf of assignee)
President
Title of person authorized to sign

NOTE: The Notice of April 30, 1993 (1150 O.G. 62-64) points out:

"The statement under 37 CFR 3.73(b) may be signed on behalf of the assignee in the following two manners if the assignee is an organization (e.g., corporation, partnership, university, government agency, etc.).

"(1) The statement may be signed by a person in the organization having apparent authority to sign on behalf of the organization. An officer (president, vice-president, secretary, or treasurer) is presumed to have authority to sign on behalf of the organization. The signature of the chairman of the board of directors is acceptable, but not the signature of an individual director. A person having a title (manager, director, administrator, general counsel) that does not clearly set forth that person as an officer of the assignee is not presumed to be an officer of the assignee or to have authority to sign the statement on behalf of the assignee. A power of attorney from the inventors in an organization to a practitioner to prosecute a patent application does not make the practitioner an official of an assignee or empower the practitioner to sign the statement on behalf of the assignee.

"(2) The statement may be signed by any person, if the statement includes an averment that the person is empowered to sign the statement on behalf of the assignee and, if not signed by a registered practitioner, the statement must be in oath or declaration form. Where a statement does not include such an averment, and the person signing does not hold a position in the organization that would give rise to a presumption that the person is empowered to sign the statement on behalf of the assignee, evidence of the person's authority to sign will be required."

[Author's Note: The requirement for an oath or declaration for this statement by a person not a registered practitioner was rescinded by the rules effective December 1, 1997.]

(complete the following, if applicable)

- ☒ I, the person signing below, state that I am empowered to sign this statement on behalf of the assignee.

(Statement under 37 C.F.R. § 3.73(b) — Establishing Right of Assignee to Take Action [16-16]—page 2 of 4)

**BASIS OF ASSIGNEE'S INTEREST**

Ownership by the assignee is established as follows:

A.

1. ☒ An assignment from the inventor(s) of the matter identified above, which was recorded in the PTO at
Reel 011720, Frame 0915.
2. ☐ An assignment (document) separately being submitted for recordal herewith.

AND/OR

- B.** ☒ A chain of title from the inventor(s) to the current assignee as shown below:

1. From: Larry B. Gray, Philip Houle & William T. Larkins

Name of inventor(s)

To: DEKA Products Limited Partnership

Recorded in PTO: Reel
011720, Frame 0915

2. From: _____

Name of inventor(s) or assignee

To: _____

Recorded in PTO: Reel
_____, Frame _____

3. From: _____

Name of inventor(s) or assignee

To: _____

Recorded in PTO: Reel
_____, Frame _____

(check item below, and add details, if applicable)

- ☐ Additional documents in the chain of title are listed in the attached Supplemental Sheet.

COPIES OF DOCUMENTS IN CHAIN OF TITLE

(complete this item, if copies are being sent)

- ☒ Copies of the assignment(s) or other document(s) in the chain of title are attached as follows:

☒ A ☒ 1 ☐ 2

☐ B ☐ 1 ☐ 2 ☐ 3

Reg. No.: 47,953

Tel. No.: (617) 443-9292

Customer No.: 00-2101



(Signature of authorized person)

Dean L. Kamen

(type or print name of authorized person)

President

Title of authorized person



SIGNATURE OF PRACTITIONER

Alexander J. Smolenski, Jr.

(type or print name of practitioner)

Bromberg & Sunstein LLP
125 Summer Street, 11th Floor

P.O. Address

Boston, MA 02110-1618

(Statement under 37 C.F.R. § 3.73(b) — Establishing Right of Assignee to Take Action [16-16]—page 4 of 4)



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

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OFFICE OF PETITIONS

Paper No. 8

Page 1

9
8/20

Herbert A. Newborn
Bromberg & Sunstein LLP
125 Summer Street
Boston, MA 02110

In re Application of
Gray et al.
Application No. 09/715,379
Filed: November 17, 2000
Patent No.: 6,364,857
Attorney Docket No. 1062/C30

: Letter Regarding Patent Term Adjustment
: and Notice of Intent to Issue Certificate of
: Correction

The above-identified patent has been forwarded to the undersigned for correction of the information printed on the front page of the patent relating to patent term adjustment provisions under 35 U.S.C. § 154(b) and 37 CFR 1.702-1.705.

As explained below, the Office proposes to issue a certificate of correction in order to rectify an error regarding the patent term information. See 35 U.S.C. § 254 and 37 CFR 1.322. Patentee is given THIRTY (30) DAYS to respond to this letter. If no objection is received from patentee within the 30 day period, the Office will issue a certificate of correction indicating that the term of the above-identified is extended or adjusted by SIXTY (60) days. This time limit is not extendable under 37 CFR 1.136.

On or about March 14, 2002 the Office mailed an Issue Notification letter indicating that application number 09/715,379 is entitled to a ZERO (0) day adjustment. On April 02, 2002, the above identified application issued as a patent and the first page of the patent indicated that the term of the above-identified is extended or adjusted under 35 U.S.C. 154(b) by ZERO (0) days subject to any disclaimers. The correct value is 60 days, as shown by the attached sheet(s).

Patentee can review the PTA calculation by viewing the PAIR system. PAIR is a system that provides public access to PALM (computerized content records of patent applications and reexaminations) for patents and applications that have been published which can be accessed over the internet at <http://pair.uspto.gov>.

Further correspondence with respect to this matter should be faxed to (703) 746-9194, Att: Office of Patent Legal Administration. Alternatively, correspondence may be addressed as follows: